



March 28, 2017

The Honorable Kevin McCarthy
House Majority Whip
U.S. House of Representatives
Washington, DC 20515

Dear Representative McCarthy,

As leading U.S. science, engineering, and academic institutions, we are writing to express our concerns regarding H.R. 1430, the Honest and Open New EPA Science Treatment (HONEST) Act of 2017. We encourage you and your colleagues to take additional time to evaluate the unintended consequences of this bill before considering it on the House floor. This bill is virtually identical to the Secret Science Reform Act of the 113th and 114th Congress, on which we expressed similar concerns that have remained unchanged.

Of course, regulations and agency actions should be informed by the best available science and a rigorous scientific process. Undermining the integrity of the scientific process, or the ability of federal agencies to utilize rigorous science in establishing policies, could have long-term negative consequences. It is with this in mind that we urge caution in setting laws that submerge science beneath politics.

The research community is concerned that some key terms in the bill could be interpreted or misinterpreted, especially terms such as “materials,” “data,” and “reproducible.” Legislation removing concepts like reproducibility and independent analysis from the hands of scientists and into the hands of legislators could undermine the scientific process and reduce the benefits that science could bring to society.

With respect to reproducibility of research, it is often impossible to repeat an experiment down to the last detail. Some scientific research, especially in areas of public health, involve longitudinal studies that are so large and of great duration that they could not realistically be repeated. Rather, these studies are verified utilizing statistical modeling or independent data analysis. The same may be true for scientific data from a one-time event (e.g., Deepwater Horizon Gulf oil spill) where the data are gathered in real time. It is unclear if data from studies like these would be permitted under this bill. As a result, we could foresee a situation where the EPA would be prevented from using the best available science and disseminating public information in a timely fashion.

In addition, H.R. 1430 would give the EPA administrator sole authority to disclose private information gathered in research studies, which might include confidential health and proprietary business information, to anyone who signs a confidentiality agreement with the EPA. It is unclear whether the EPA has this authority, and very clear this would deter individuals



and businesses from participating in studies used by the EPA. This would again constrain the EPA from making a proposal based on the best available science.

We thank you for your consideration and stand ready to work with you to evaluate the unintended consequences of this bill before consideration on the House floor.

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